



17 JUN 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Ann R. Pokalsky
Dilworth & Barrese
333 Earle Ovington Blvd.
Uniondale, NY 11553

In re Application of DE VEYLDER et al

U.S. Application No.: 09/937,008

Int. Application No.: PCT/EP00/02441

Int. Filing Date: 20 March 2000

Priority Date: 19 March 1999

Attorney Docket No.: 2364/400 (D 1321 US)

For: METHOD FOR ENHANCING AND/OR
IMPROVING PLANT GROWTH AND/OR
YIELD OR MODIFYING PLANT
ARCHITECTURE

COMMUNICATION

This is in response to applicant's "Response to Communication" filed 06 May 2002.

BACKGROUND

On 20 March 2000, applicant filed international application PCT/EP00/02441, which claimed priority of an earlier European Patent Office application filed 19 March 1999. A copy of the international application was communicated to the USPTO from the International Bureau on 28 September 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 02 October 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 19 September 2001.

On 19 September 2001, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 01 November 2001, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that a properly executed oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 23 January 2002, applicant filed a response to the 01 November 2001 Notification of Missing Requirements including a purported declaration.

On 20 February 2002, this Office mailed a communication which indicated that the purported declaration filed 23 January 2002 does not comply with 37 CFR 1.497.

On 06 May 2002, applicant filed the present response including a new declaration.

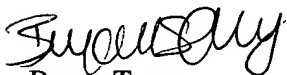
DISCUSSION

The declaration filed 06 May 2002 is in compliance with 37 CFR 1.497.

CONCLUSION

The applicant has an International Filing Date of 20 March 2000 and a date under 35 U.S.C. 371 of 06 May 2002.

The application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



Bryan Tung
PCT Legal Examiner
PCT Legal Office

Telephone: 703-308-6614

Facsimile: 703-308-6459